IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

Writ Petition No. 2566 of 2006

1. Lalmohan R.Jaiswar
and others ..Petitioners

vs.

1. Asstt.Municipal Commissioner
and others ..Respondents

Shri R.R.Mishra i/b Shri Bhupendra Singh for petitioners
Shri A.M.Kulkarni for respondent no.3.

CORAM: S.B.MHASE J.
17th April, 2006

P.C.

. Mentioned. Not on board.

1. Heard the learned Counsel for the parties.

2. The order dated 24th March, 2006 passed by the Administrator and Divisional Commissioner, Konkan Division, Mumbai is under challenge. It was an order passed in appeal under sec.35 of the Maharashtra Slum Areas (I.C.R.) 1971. The petitioners are the slum dwellers and in order to provide accommodation to them the slum clearance scheme was sanctioned and construction work of the said scheme has also commenced. Statutory notices under sections 33 and 38 have also been issued. It appears that 186 persons have already shifted to transit accommodation. The petitioners have also shown their willingness to shift to the transit accommodation but only

grievance made before this Court is that presently there is insufficient space available to the respondents to carry out the construction and, therefore, at present there is no necessity to shift them. The learned counsel who appears for respondent no.3 society states that the transit accommodation as given to other persons is available to the petitioners also. He further states that after construction work is carried out accommodation as per the said scheme will be given to the petitioners. In view of these circumstances and since it is found necessary that the scheme should be augmented as early as possible for rehabilitation purpose, no interference is called for. Petition is rejected.

(S.B.MHASE J.)